

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America,)
)
 vs.) 7:22cr00842-HMH-6
)
Kendrick Naveed Corbin,)
)
 Defendant.) November 14, 2023
_____)

TRANSCRIPT OF SENTENCING HEARING

BEFORE THE HONORABLE HENRY M. HERLONG, JR.
Senior United States District Judge, presiding

A P P E A R A N C E S:

For Government: Christopher B. Schoen, Esquire
 US Attorneys Office
 55 Beattie Place, Suite 700
 Greenville SC 29601

For Defendant: W. Benjamin McClain Jr., Esquire
 W. Benjamin McClain Jr LLC
 2728 Poinsett Highway
 Greenville, SC 29609

Teresa B. Johnson, CVR-M-CM, RVR, RVR-M
U.S. District Court Reporter
250 East North Street, Room 3401
Greenville, SC 29601

Proceeding recorded by stenomask, transcript produced by
computer-aided software.

P R O C E E D I N G S

(Proceedings begin at 11:12 a.m.)

THE COURT: Yes, sir. Call the case.

MR. SCHOEN: Your Honor, the next case is United States versus Kendrick Naveed Corbin. It's 7:22cr-842-6. And we're here for sentencing.

THE COURT: Give him a --

THE COURTROOM DEPUTY: Please raise your right hand. Do you solemnly swear that the answers you give to the questions propounded by the Court shall be the truth the whole truth and nothing but the truth, so help you God?

THE DEFENDANT: Yes, ma'am.

THE COURT: Mr. Corbin, have you had enough time to discuss this matter with your attorney?

THE DEFENDANT: Yes, sir.

THE COURT: And are you satisfied thus far with the representation of your attorney?

THE DEFENDANT: Yes, sir.

THE COURT: Have you and your attorney thoroughly reviewed the presentence report?

THE DEFENDANT: Yes, sir.

THE COURT: Are there any objections to anything in the report?

MR. MCCLAIN: No, Your Honor. I think Travis Smith and I came up with the same range.

1 **THE COURT:** And Mr. Corbin, do you have any
2 objections to anything in the presentence report?

3 **THE DEFENDANT:** No, sir.

4 **THE COURT:** The Court hearing that there are no
5 objections and the Court having reviewed the report, the Court
6 adopts the findings, including that guideline calculations
7 contained in the report.

8 Count 4 provides for not more than 5 years; Count 5,
9 10 years to life consecutive to all other counts; Count 8, not
10 more than 20 years; Count 11, 5 years to life consecutive to
11 all other accounts.

12 Supervised release in Count 4, at least two years; in
13 Count 5 and 11, not more than 5 years; Count 8, not more than 3
14 years.

15 He has a total offense level of 24, a criminal
16 history category of 1. His range is 51 to 63 months'
17 imprisonment, plus 10 years consecutive as to Count 5 and five
18 years consecutive as to Count 11. Two to five years supervised
19 release. He does not have the financial ability to pay a fine.
20 Special assessment is \$100 for each count; for a total of \$400.

21 For sentencing purposes, I'll hear from you.

22 **MR. MCCLAIN:** May it please the Court, Your Honor.

23 **THE COURT:** Yes, sir.

24 **MR. MCCLAIN:** When this happened, I think January
25 23 -- he's been in an LEC in Spartanburg. He turned 21 while

1 he was in a law enforcement center. When all this happened,
2 like I said, he was 20 years old. He has no prior record. He
3 graduated high school. He was quite an athlete, especially in
4 baseball. He should've stayed with it. 'Cause he might have
5 been a pro baseball player. He has a new child, two years old.
6 Her name is Dream.

7 And Your Honor, I just ask you to -- oh, and he's
8 reading the Bible. That's the best thing of all. I would just
9 ask you to -- to give him the lowest in the range that you can.

10 **THE COURT:** Mr. Corbin, anything you want to say,
11 I'll hear from you.

12 **THE DEFENDANT:** Your Honor, I am very sorry to be in
13 this predicament that I am in right now. But he is right. I
14 gave my life to God, and change of heart. I just -- I made
15 mistakes. That's all.

16 **THE COURT:** Thank you, sir.

17 Well, as far as sentencing, I will...

18 Who did this?

19 **THE PROBATION AGENT:** Yes, sir. I'm representing
20 probation on this one.

21 **THE COURT:** Okay.

22 I was just trying to figure out, with Counts 4 and 8,
23 both of those are -- are 51 to 80 -- to 63 months; is that
24 right?

25 **THE PROBATION AGENT:** Yes, Your Honor.

1 **THE COURT:** All right.

2 And then when we get to Count 5, it is a statutory
3 consecutive sentence of 120 months, right?

4 **THE PROBATION AGENT:** Yes, sir, Your Honor.

5 **THE COURT:** And then Count 11 is consecutive --
6 another 60 months, right?

7 **THE PROBATION AGENT:** Yes, sir.

8 **THE COURT:** So if -- if I calculate this correctly,
9 the low end of the guideline range where -- where the
10 guidelines apply, 51 months, and then you've got the mandated
11 consecutive sentence of 120, and then 60; is that right? Or
12 I'm not -- wait a minute. My...

13 I'm missing something.

14 **THE PROBATION AGENT:** Your Honor, may I approach?

15 **THE COURT:** Sure. Something is not adding up here.

16 (Sidebar conference is held off the record at 11:20 a.m.)

17 (Sidebar conference is concluded at 11:22 a.m.)

18 **THE COURT:** Well, the -- the guideline provisions,
19 the low end of the guideline range is 51 months. For Count 5,
20 there's a statutory requirement of a consecutive sentence of
21 120 months. In Count 11, there's a requirement that it be
22 consecutive of 60 months.

23 It is, therefore, the sentence of the Court that --
24 the Court is considered the relative statutory sentencing
25 factors of 3553(a). And it is the judgment of the Court that

1 the defendant is committed to the custody of the Bureau of
2 Prisons to be imprisoned for a term of 231 months. This term
3 consists of 51 months as to Counts 4 and 8 to be run
4 concurrently, 120 months as to Count 5 to be run consecutive,
5 and 60 months as to Count 11 to run consecutive. And he shall
6 pay 100-dollar special assessment fee for each count; for a
7 total of \$400.

8 He's then placed on supervised release for a term of
9 5 years. This term consists of 2 years as to Count 4, 5 years
10 as to Counts 5 and 11, and 3 years as to Count 8; all such
11 terms to run concurrently.

12 He shall comply with the mandatory conditions of
13 supervision outlined in 3583(d) and 5D1.3(a) and the standard
14 conditions outlined in 5D1.3(c) as noted -- noted in paragraphs
15 108 and 111 of the presentence report. One through nine and 13
16 serve the statutory sentencing purposes of public protection
17 and rehabilitation, pursuant to 3553(a)(2)(C) and (D). Ten and
18 12 serve the sentencing purpose of public protection, pursuant
19 to 3553(a)(2)(C). Standard Condition of Supervision 11 ensures
20 that the defendant is not engaged in activities that may
21 potentially conflict with the other conditions of supervision
22 and may pose risk to the defendant's probation officer.

23 Was there a plea agreement in this case?

24 **MR. MCCLAIN:** Yes, Your Honor.

25 **MR. SCHOEN:** Yes, Your Honor. There was.

1 **THE COURT:** I do tell you that you have a right to
2 appeal; however, under your plea agreement, you have waived
3 certain appellate rights.

4 Thank you. That's all.

5 Good luck to you.

6 **MR. MCCLAIN:** Thank you, Your Honor.

7 **MR. SCHOEN:** Your Honor, the government with regard
8 to that case would ask that the forfeiture allegation be
9 dismissed.

10 **THE COURT:** So ordered.

11 **MR. MCCLAIN:** Thank you, Your Honor.

12 (Proceedings end at 11:25 a.m.)

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14 **C E R T I F I C A T E**

15 I certify that the foregoing is a correct transcript from
16 the record of proceedings in the above-entitled matter.

17
18 /s/Teresa B. Johnson

04/13/2024

19 Teresa B. Johnson, CVR-M-CM, RVR, RVR-M

Date